

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MINNESOTA

George H. Kalberer,

Civil No. 13-1665

Plaintiff

v.

William Palmer,  
Tim Dolan,  
John Does 1-10 or more,  
Hennepin County Medical Center ("HCMC")  
HCMC John Does,  
Steven Hoeg,

Re-filed Complaint

Defendants

COMPLAINT

RECEIVED  
AUG 15 2013  
U.S. DISTRICT COURT  
CLERK  
MINNEAPOLIS, MINNESOTA

SCANNED

AUG 15 2013

U.S. DISTRICT COURT MPLS

The Plaintiff, George H. Kalberer, for his Complaint against the Defendants herein, says as follows:

INTRODUCTION

1 This case arises out of the retaliatory and unlawful assault, seizure and detention of George H. Kalberer ("Kalberer"), a citizen of the United States, who was assaulted and seized, and taken from Room 130 of Minneapolis City Hall and detained without probable cause and in violation of the rights guaranteed to him by the law of Minnesota and by the Fourth, Fifth and/or Fourteenth Amendments of the United States Constitution. Additionally, upon information and belief, it is alleged that the baseless incarceration of Kalberer upon the pretext that he was mentally unstable was the result of systematic surveillance by the government of Kalberer's securities account and his person and its attempt to suppress speech activities critical of the government's repressive anti-free market polices, securities fraud, the reckless non enforcement of U.S. Securities law, police misconduct and Kalberer's support of the sacredness of human life, and support of the Hippocratic Oath and Constitutional rights. As such, the actions taken against Kalberer violated his fundamental right to engage in political speech guaranteed by the First Amendment to the United States Constitution.

2 Insofar as the unlawful, assault, seizure and/or detention of and retaliation against Kalberer were caused and/or carried out by Minneapolis police officers or other persons acting under the color of state law, Kalberer brings this lawsuit pursuant to 42 U.S.C. Section 1983 to vindicate his federal rights as guaranteed by the First, Fourth and/or Fifth Amendments, made applicable to the States by the Fourteenth Amendment.

3 Insofar as the unlawful assault and seizure and/or detention and retaliation against Kalberer were caused and/or carried out by agents of the federal government, Kalberer brings this lawsuit directly under the First, Fourth and/or Fifth Amendments. See, e.g. Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971) (holding that a violation of the Fourth Amendment protection against unreasonable searches and seizures by federal agent acting under color of his

authority gives to a cause of action for damages consequent upon his unconstitutional conduct).

4 Kalberer also brings a state law false imprisonment action against such Defendants as instigated, requested, directed and/or carried the assault, arrest and detention of Kalberer without legal justification.

#### JURISDICTION AND VENUE

5 This Court has subject matter jurisdiction under 28 U.S.C. Section 1331 and 1343, for those claims seeking redress under the laws and statutes of United States for the deprivation of rights secured by the Constitution and the laws of the United States. This Court also has subject matter jurisdiction over the state law claims under 28 U.S.C. Section 1367.

6 Venue properly lies in the District of Minnesota under 28 U.S.C. Section 1331(b), as a substantial part of the events giving rise to this action occurred within this District.

#### PARTIES

7 Plaintiff Kalberer ("Kalberer") resides within Rice County, State of Minnesota. He is a former member of the Chicago Board Options Exchange, a former member of the Chicago Mercantile Exchange, and a former employee of the Chicago Mercantile Exchange, Richardson Securities of Canada, Drexel Burnham Lambert, Donaldson Lufkin Jenrette, and the Star Tribune.

8 Defendant William Palmer ("Palmer") is a police officer for the Minneapolis Police Department, 350 south 5<sup>th</sup> Street, Room 130 Minneapolis, MN 55415-1359. He is sued in his individual capacity. In all respects set forth in this Complaint, Palmer acted under the color of the laws of the State of Minnesota.

9 Defendant Tim Dolan ("Dolan") is a police officer for the Minneapolis Police Department, 350 South 5<sup>th</sup> Street, Room 130, Minneapolis, MN 55415-1349. He is sued in his individual capacity. In all respects set forth in the Complaint, Dolan acted under color of law of the State of Minnesota.

10 John Does 1-10 or more are individuals whose identities are yet unknown and who participated in causing and/or carrying out the unlawful assault, seizure and/or detention of Kalberer, the surveillance of Kalberer and his Etrade account #6080-0709 and on going efforts to instigate a new petition for commitment. Upon information and/or belief, John Does 1-10 include, but may not be limited to, officers and agents of the Minneapolis Police and the Golden Valley Police and the Internal Revenue Service ("IRS") federal, state, county and city government and HCMC staff involved in the surveillance of Kalberer and his Etrade account #6080-0709 and in on going efforts to instigate a new petition for commitment. A court order must be served upon law enforcement and HCMC to discover the name of each and every person who participated in causing and/or carrying out the unlawful assault, seizure and detention of Kalberer and/or involved in the surveillance of Kalberer and his Etrade account # 6080-0709 and in on going efforts to instigate a new petition for commitment.

11 Defendant Hennepin County Medical Center, 701 Park Avenue, Minneapolis, MN 55415 is sued in their corporate capacity for running a psych prison in violation of Federal law and the Constitution of the United States of America.

12 Defendant HCMC John Doe, ("Richard") xxxxxx, has a last name known to HCMC, Hennepin County Medical Center, 701 Park Avenue, Minneapolis, MN 55415. Richard was an actor, and/or actor/patient in the HCMC charade purporting to a real patient at HCMC, who on the morning of 6/23/2011 attempted to instigate an assault upon Kalberer. Richard is sued in his individual capacity as an actor/patient in the HCMC charade. In all respects Richard acted under the color of the laws of the State of Minnesota.

14 Steven Hoeg, ("Hoeg") is the branch manager for the Etrade's Minneapolis, MN office at 50 South Sixth Street, Minneapolis, MN 55402. He instigated police John Does to set up the assault, seizure, and detention of Kalberer on 6/22/2011. He is sued in his individual capacity. In all respects Hoeg acted under the laws of the State of Minnesota.

## FACTS

### The Assault and Seizure of Kalberer

15 On the June 22, 2011 at 8:20 AM Kalberer was peacefully walking to his 8:30 AM Court Date in Minneapolis City Hall when he entered Room 130 to drop off two (2) documents. Kalberer was the Plaintiff the State of Minnesota, County of Hennepin, Fourth Judicial District, Conciliation Court Hearing Case No. 27-CO-3049 scheduled to start at 8:30 AM in Room 320. (See Exhibit D)

16 Kalberer was assaulted and seized by a John Doe who by force grabbed Kalberer, slammed Kalberer to the floor, jumped on Kalberer and handcuffed Kalberer against his will.. Kalberer's back was injured. For more details see Kalberer's letter of July 4, 2011 to Palmer (See Exhibit F) and Palmer's 6/22/2011 APS Report (See Exhibit B).

17 Upon information and belief, the John Doe who assaulted and seized Kalberer, and other John Does who transported Kalberer to HCMC and John Does in Golden Valley, MN were acting and/or at the request and instigation of Dolan and others in retaliation for his free market political views Kalberer's belief in Constitutional Rights and his criticism of police misconduct, securities fraud, reporting securities fraud to Tim Dolan, of the Minneapolis Police Department and to the Minnesota State Court System via a lawsuit against Etrade scheduled for a June 22, 2011 8:30AM court hearing in Minneapolis Hall.

18 Confronted with the show of force, Kalberer asked the John Doe who assaulted him to first permit him to appear in Room 320 where his lawsuit was pending before leaving City Hall.. The John Doe refused. The seizure of Kalberer caused him to default on his own Summons to Appear and resulted in the dismissal of his lawsuit against Etrade. The John Does are sued for the \$1275. loss.

19 The aforesaid assault, seizure was carried out without informing Kalberer of his legal rights, without informing him of any charge or complaint against and without providing him with any basis or authorization for his arrest and detention.

20 The John Doe then turned Kalberer over to two (2) other John Doe police officers who had police officers who had police uniforms on. The John Doe that assaulted and seized Kalberer did not have a police uniform on. The next two (2) John Does transported Kalberer to HCMC in the caged portion a police vehicle. Kalberer was transported to Hennepin County Medical Center against his will. This deprived Kalberer of his liberty.

22) Minnesota Statute 253B.05 Emergency Admission Subd. 2.(b) states, "As far as is practicable, a peace officer who provides transportation for a person placed under this subdivision may not be in uniform and may not use a vehicle visibly marked as law enforcement vehicle." The Minneapolis Police have hundreds police cars, many unmarked and hundreds of officers. The Minneapolis Police violated this Minnesota Statute to damage Kalberer's reputation to the maximum extent possible.

23 At the time of the assault, seizure, transportation and detention of Kalberer, none of the defendants had probable cause to believe that Kalberer had committed any crime, nor did any Defendant have probable cause to believe that Kalberer posed a danger to himself or others, nor did any Defendant have any other legitimate or lawful basis to seize, arrest or detain him.

#### THE DETENTION

24 Kalberer was detained against his will at HCMC at 8:55 AM 6/22/2011. (See Exhibit A, page 1)

25 On the morning of 6/23/2011 Kalberer was verbally accosted by HCMC John Doe "Richard" who attempted to instigate an assault. Richard was an actor and/or an actor/patient posing a real patient. "Richard" was bragging "No one Cares, No one Cares" It appears that what "Richard" meant by "no one cares" is that Tim Dolan of the Minneapolis Police Department is a dishonest, corrupt criminal who is aiding and abetting the IRS and/or other Federal agents zero out your Etrade account and go beyond the law in so doing via the aggressive and reckless non enforcement of U.S. Securities law and you can't do any thing about it or you will be assaulted and committed. Richard had been briefed about me and the Slawsons the corrupt Teamsters who have been expelled form the Teamster Union and banned from ever becoming Teamster Officials for life. The only the reason that I was able stop Richard for assaulting me was that the previous nite I had a single room which I ran into and closed the door to protect myself from Richard. HCMC was supported the planned assault and later that day HCMC demanded that Richard be my roommate. Discovery is necessary to determine Richard's last name. HCMC has omitted Richard and the threatened use of force and violence against me from their 100 page report. (See Exhibit A) I was billed \$22,215.08 (See Exhibit C) for my nine (9) day false imprisonment, if Richard had assaulted me it could have been a six (6) month sentence.

26 At no time did Kalberer threaten to do harm to Richard or himself and/or anyone else.

27 HCMC and the John Does who assaulted, seized, detained and transported Kalberer to HCMC wanted Kalberer to lose both his Golden Valley, MN home/office residence and his State of Minnesota Unemployment Benefits which was most of my income at that time and necessary for rent payments in Golden Valley, MN and/or to obtain a new residence. At 9:25 AM 6/23/2011 Tony Yanni, Disability Evaluation Coordinator asked/demanded/requested me to sign "the State Medical Review Team's application for disability for purposes of obtaining Medical Assistance." (See Exhibit A page 13) If had signed the form Yanni requested me to sign I would have lost State of Minnesota Unemployment Benefits because I would have been legally "disabled" and unable to work.

28 In August 1973 HCMC disabled my mother by Mildred Kalberer by asking her to have a lung operation. This immediately disabled my mother who was never able to return to her job as the school librarian at the Edina Creek Valley School and who later died in HCMC on or about January 24, 1974. HCMC violated the Hippocratic Oath by shortening my mother life. It is not and was not in the interests of my mother or myself to be disabled.

29 HCMC asked me to submit to "follow up film studies" for a lung operation but I was "currently not willing to cooperate with this." (See Exhibit A page 31) I am trying to get copies of the X-Rays to discovery if they are real or phoney like "Richard." Discovery is needed. I can not lose control over the my right to refuse a lung operation, which would have happened if I was committed. Kalberer believes in the sacredness of human life, the Hippocratic Oath and the Constitutional right to life and liberty.

30 HCMC and the John Does have replaced the sacredness of human life , the Hippocratic Oath and constitutional rights with outrageously high medical bills and life/death police state power. At 1:06 PM on 6/23/2011 Dalton, made an entry in the HCMC log. On page 15 of the 100 page HCMC report (See Exhibit A) Dalton, admits that Kalberer "is concerned about being locked up against wishes and against his constitutional rights". HCMC considers people who bélieve in constitutional rights mentally ill and in need of "clinical, therapeutic and supportive service needs: MMPI, Neuro psych ...Medications". (See, Exhibit A, page 15)

31 In a report executed on June 27, 2011 Nalepka claimed in the last line of page 4 and the first line of page 5, "Pre-Petition Screening believes the patient's current condition is such there is a risk of physical harm to himself and possibly others, if he would be released." (See Exhibit E) HCMC Pre-Petition Screening and Nalepka made this baseless allegation at the request and/or instigation of one or more John Does.

32 On or about June 27, 2011 HCMC and Gray, Nalepka and Mead filed petition for a Jarvis Order and the Civil Commitment of Kalberer. Some of the records related to this petition have been withdrawn, lost, misplaced, and/or stolen. HCMC has not been willing to provide this a complete copy of these records and the X-rays, although they did provide the 100 page log (Exhibit A). The available petition records are submitted as Exhibit E.

33 The persons formally responsible for the June 27, 2011 Petition were HCMC and Gray, Nalepka, and Mead, who acted under the color of state law.

32 HCMC and Gray, Nalepka, and Mead lacked probable cause to make the allegations they set forth in the June 27, 2011 Petition against Kalberer.

33 On information and belief, HCMC and Gray, Nalepka, and Mead filed the June 27, 2011 Petition at the request and/or instigation or one or more John Does, who also lacked probable cause to file the petition against Kalberer. Indeed, the John Does sought to label Kalberer as mentally ill and continue his incarceration and commitment because of their desire to suppress and chill Kalberer's views critical of views critical of government amorality, securities fraud, life/death police state power, and police misconduct and in support of free markets, the sacredness of human life, constitutional rights and the Hippocratic Oath, and the June 27, 2011 petition constituted retaliation against Kalberer for his constitutionally-protected speech.

#### THE STATE COURT ORDERS KALBERER RELEASED

34 On June 30, 2011 my attorney Elizabeth Rosholt Winden and myself attended a 25 minute hearing in Hennepin County Government Center. We met with Cathrine Carlson Psy. D. Cathrine Carlson Psy D recommended that the HCMC commitment petition be dismissed because there was "no evidence of harm to self or others."

35 Plaintiff Kalberer returned to HCMC collected his personal property, checked out and then returned to his residence at 810 North Lilac Drive, #216, Golden Valley, MN 55422 on June 30, 2011. HCMC was still pursuing the Jarvis Order and the Petition for a Civil Commitment and a July 6, 2011 trial was scheduled.

36 On July 5, 2011 HCMC withdrew the Petition for a Jarvis Order and the Petition for Civil Commitment. If Kalberer had been committed, he would have lost everything literally, all of his State of Minnesota Unemployment Benefits, and his Golden Valley, MN Residence which he did in fact lose. Kalberer also would have lost all of his personal property if he were locked up in HCMC and not able to personally find a new residence and move his property. That fact that Kalberer's mother died in HCMC on or about January 24, 1974 pursuant to a lung operation and HCMC is interested in performing a lung operation upon Kalberer has added to Kalberer's emotional distress, emotional pain, and suffering.

37 As a result of the action of the Defendants as described herein, Kalberer has sustained pecuniary and non-pecuniary losses, a lower back injury, emotional distress including emotional pain, suffering, inconvenience, mental anguish and the loss of enjoyment of life and loss of reputation.

#### SURVEILLANCE OF KALBERER

38 The June 30, 2011 State Court release of Kalberer from false imprisonment at HCMC secured Kalberer's freedom. However it has not stopped law enforcement and HCMC from surveillance and efforts to instigate a new incarceration and a new petition for commitment because of Kalberer's views critical of the government amorality, securities fraud, police misconduct and in favor of free markets, the sacredness of human life, the Hippocratic Oath and constitutional rights.

39 On information and belief, at the request and/or instigation of HCMC and one or more John Does, Balderson Properties canceled Kalberer's lease of nearly four years at 810 North Lilac Drive, #216 Golden Valley, MN or about July 5, 2011.

40 Kalberer needed money and income to secure a new residence. HCMC then stepped up efforts to collect the \$22,215.08 HCMC bill (See Exhibit C) which if paid by Kalberer would have had the effect the effect of depriving Kalberer of the money and income needed for a new residence.

41 HCMC sent Diaz our to Kalberer's residence out Kalberer's 810 North Lilac Drive, #216, Golden Valley 55422 to collect the \$22,215.08 HCMC bill in August 2011. (See Exhibit D) From an economic point of view HCMC destroys all of the psych patients that are imprisoned there. You can not work when you are in the HCMC psych prison and when you get out you will have HCMC bills that would drive any reasonable person to the brink and you may be faced with the loss of your residence.

42 HCMC's Diaz taped an envelope with a letter (Exhibit D) to the door of Kalberer's home/office residence. The last line of the letter says, "PD: If this person doesn't live here also let me know to remove this address from the Data Base." Upon information and belief Diaz and one or John Does were working to speed the loss of my residence and instigate and new a incarceration and petition for commitment. HCMC and the John Does would benefit if Kalberer lost his residence and income because these events would serve to make Kalberer more vulnerable to the on going efforts for a new incarceration and petition for commitment. A female John Doe in Room 130 of City Hall on 6/22/2011 called that "help". People that lose there residences and income are frequently killed the by police

because the police view "desperate people " as a risk to the community.

43 HCMC's Diaz's request to let her into Kalberer's home/office residence and/or met her in some other place to sign an Medical Assistance Application, was based on page 13 of HCMC's 100 page log report (See Exhibit A) really a request to sign a State Medical Review Team's application for disability. Tony Yanni asked me to sign such a form on 6/23/2011 at 9:25 AM. This form if signed by me would have stopped State of Minnesota Unemployment Benefits which were necessary to secure a new residence.

44 Kalberer did not let HCMC's Diaz into his home/office residence and/or sign or her disability form. Upon information and belief HCMC and one or more John Does requested that the State of Minnesota stop Kalberer's Unemployment benefits. For two to three years Kalberer received State of Minnesota Unemployment Benefits and during this period Kalberer filled out a computer form each and every week on a State of Minnesota computer. At approximately the same time Defendant Diaz came out to my home/office residence to have me sign a Minnesota disability form someone advised the State of Minnesota that I was disabled and could not work. For the first time in about three years the State of Minnesota started asking questions about being medically disabled on the weekly computer form. I was not medically disabled. I said that on time computer form and the State of Minnesota Unemployment Benefits contained at that time.

45 Etrade perpetrated a Securities Fraud on April 18, 2011. This crime was reported as a crime to Minneapolis Police Chief Tim Dolan as a crime in a letter in May 2011. There is clear and convincing evidence that Tim Dolan is guilty of the reckless non enforcement of U.S. Securities law. If the Internal Revenue Service and/or other Federal agents want to zero out Kalberer's Etrade account #6080-0709 and go beyond the law in so doing they will be aided and abetted by Tim Dolan and the Minneapolis Police via the reckless and aggressive non enforcement of the U.S. Securities Law. Tim Dolan is not known to have ever been a member of any securities exchange, and/or to have ever worked for and or been employed by any securities exchange and/or to have ever worked for or been employed by any New York Stock Exchange member firm. From the point of view of a securities professional Tim Dolan is stupid with respect to U.S. Securities Law. Furthermore since Tim Dolan did absolutely nothing to investigate Securities Fraud at Etrade Tim Dolan is also lazy and/or worse with respect to violations of U.S. Securities Law. The assault, seizure, detention and incarceration of Kalberer on June 22, 2011 may be one of the aggressive and reckless cases of non enforcement of U.S. Securities law in U.S. History.

46 Etrade lied about 5 in the money SPY \$133 Apr 16 2011 Put options that had to be excised under CBOE automatic exercise rules and pursuant to a verbal agreement that I will the CBOE trading desk and instead simply stole \$1205 and or intentionally had my options expire worthless which had the same effect as stealing \$1205 from my Etrade Brokerage account on April 18, 2011. I wrote a letter to Etrade about this on May 7, 2011 which is submitted as Exhibit J and the Etrade lawsuit is submitted as Exhibit I.

47 The Internal Revenue Service ("IRS") wanted Kalberer's Etrade account #6080-0709 to be zeroed out with an account balance of zero. On June 11, 2013 The Internal Revenue Service did in fact seize every penny in Kalberer's Etrade account #6080-0707 leaving an account balance of zero. Discovery is necessary to determine if Tim Dolan and other John Does were attempting to help the IRS zero out Kalberer's Etrade account #6080-0709 in 2011. There is reason to suspect that Tim Dolan and the John Does went beyond the law in 2011 and aided and abetted Etrade in perpetrating a Securities Fraud by the reckless non enforcement U.S. Securities law on April 18, 2011 and at other times.

48 The Objective facts are:

- 1 Etrade perpetrated a Securities Fraud on April 18, 2011.
- 2 This crime was reported to Minneapolis Police Chief Tim Dolan in a letter in May 2011.
- 3 This crime was reported to the Minnesota State Court System in the form of a lawsuit that was scheduled to go to trial on June 22, 2011 at 8:30 AM.

Neither Tim Dolan and/or anyone at the HCMC psych prison had the necessary knowledge of securities, securities trading, and U.S. Securities law and the reckless non enforcement of U.S. Securities Law to discuss the aforesaid objective facts.

49 As the all powerful supreme commander of the Minneapolis Police Department, Tim Dolan trumped U.S. Securities Law by declaring Martial Law in Police State America and thereby empowered the John Does to assault, seize, detain, and incarnate, Kalberer for absolutely no reason what so ever using the Minnesota Civil Commitment Act as a pretext for ruthless Martial Law Police State actions on June 22, 2011. Martial Law and the Minnesota Civil Commitment Law suspend civil law, civil rights, habeas corpus and constitutional rights.

50 HCMC psych is subordinate to Tim Dolan's Martial Law Police State Powers and they admitted it. HCMC psych has no independent professional judgment. HCMC does not believe in and/or care about Sacredness of Human Life, the Hippocratic Oath, or constitutional rights. The HCMC psych staff is simply amoral mudslinging government robots following Police State Orders. They exploit people that fall into bad situations for profit. In my case I was billed \$22,215.08 by HCMC pursuant to Tim Dolan's Martial Law Police State Powers. The lady doctor the helped me with my back injury admitted they HCMC psych staff just follows Police State Orders. HCMC staff is forced to request a commitment if the Police State Orders a commitment. HCMC psych is a psych prison not a hospital. In prison the prison guards have to follow the judge's orders. Prison guards are not allowed to release prisoners only judges can do that. HCMC psych is simply a charade that makes up subjective psych allegations for money. HCMC psych can not deal with objective facts like securities, securities trading issues , and U.S. Securities law and reckless non enforcement of U.S. Securities law. There is no one the HCMC psych staff that has objective knowledge of securities, securities trading and U.S. Securities law. It is the objective fact of reporting securities fraud at Etrade on April 18, 2011 to Tim Dolan and the Minnesota State Court System that resulted in me being incarcerated in the HCMC psych prison.

51 The baseless unproved Psych allegations of the Minneapolis Police and HCMC psych have no merit under Minnesota State Law. Since the Federal Judge on this case clearly does not understand that, a review of Minnesota State Law necessary to prove the the objective facts. In a Martial Law Police State there really is no law what so ever except the whim of the all powerful supreme commander of the Minneapolis Police Tim Dolan. A review of the record will prove that the Minnesota State Court was objective and that the Minneapolis Police and HCMC psych's unproved baseless psych allegations have no merit and are subjective. From legal point of view the Federal Judge on this case claiming that I had a history of mental illness is simply not true. I have never any any time been committed and I have never at any time been given any psych drugs. The law permits dishonest corrupt police officers like Tim Dolan and William Palmer to lock people for a short time until a court can review the facts. Tim Dolan and William Palmer and other John Does and HCMC have abused the public trust and exploited this law which presumed honest law enforcement. That does not constitute a history of mental illness. I have been slandered by the Federal Judge on this case who is apparently subordinate to the Martial Law Police State.

52 In Minnesota Civil Commitment Law is Chapter 253B of the State Statutes. The Emergency

Admission Section 253B.05 Subd. 2. Peace or health officer authority. (a) states, "A peace or health officer may take a person into custody and transport the person to a licensed physician or treatment facility if the officer has reason to believe, either through direct observation of the person's behavior, or upon reliable information of the person's past behavior, or upon reliable information of the person's recent behavior and knowledge of the person's past behavior or psychiatric treatment, that the person is mentally ill or developmentally disabled and in danger of injuring self or others if not immediately detained." There is absolutely no proof of "danger of injuring self or others."

53 "Danger of injuring self or others." is a key part of mental health law. Dishonest, corrupt police officers like Dolan and Palmer want martial law police state powers where they can lock people for no reason whatsoever. Even though the Minnesota Civil Commitment Law violates Federal Law and the Constitution of the United States of America it does require a reason to lock people up. Palmer wrote a completely false report police (See Exhibit B and C), but Palmer was too stupid to put "danger of injuring self or others." in the report.

54 HCMC psych knew that "Danger of injuring self or others." was necessary to get a commitment so HCMC psych tried to trump up a phoney assault and/or fight using "Richard" in order to claim that I was a "danger to injury to myself or others." Discovery is necessary in order to find out who the mysterious "Richard" really was. "Richard" did mention the Slawsons who were Teamster Union bosses in the Minneapolis area from many years before being expelled from the Teamsters Union for life this year pursuant to corruption charges. The Federal Judge on this case has distorted what I said in the first filing of this brief. I said that "Richard" attempted to instigate an assault, which meant that he was trying to start a fight. I did not say that Richard assaulted me. I went into my room and closed the door to protect myself from "Richard". HCMC later ordered me to be room mates with "Richard" in another attempt orchestrate a purportedly violent incident. I refused to be "Richard's" room mate. This scheme to trump up a violent incident to support a "danger of injuring self or others." failed, but the scheme is a serious crime.

55 The Minnesota State Court was objective, in ruling that there is no evidence of "danger of injuring self or others." The subjective baseless psych allegations of the Minneapolis Police and the mudslinging naysayers at HCMC psych are much ado about nothing. I have been slandered by the Federal Judge on this case who called the aforesaid matter, "a history of mental illness." That is simply not true. Kalberer has never been committed and/or never been given any psych drugs whatsoever. That fact that I was falsely imprisoned for nine days, billed \$22,215.08 by HCMC for being assaulted, seized, detained and incarcerated by the John Does and HCMC psych and was forced out of my residence of nearly four years are objective facts. The Federal Court is subjective.

56 On information and belief, Etrade at the request and/or instigation of one or more John Does, stole and/or intentionally caused to expire worthless my 5 in the money 133 Apr 16 2011 Put Options. The IRS might be one the John Does this matter. On June 11, 2013 the IRS did in fact zero out Kalberer's Etrade account # 6080-0707 by seizing every penny in the Etrade account leaving a zero balance. , discovery in necessary. Indeed the John Does sought to label Kalberer as mentally ill because of their desire to suppress and chill Kalberer's view critical of government amorality, life/death police state power, and police misconduct and securities fraud at Etrade and in support of free markets, the sacredness of human life, constitutional rights and the Hippocratic Oath. The court order requested in paragraph 10 is necessary is discover the name of all of the John Does who communicated with Etrade, Balderson Properties, and HCMC.

57 On information and belief, Kalberer attracted the attention of one or more John Does acting as

agents of the government, because he wrote letters protesting the repressive anti-free market views of the Minneapolis Police, securities fraud and police misconduct in general and in support of constitutional rights and filed a securities fraud lawsuit against Etrade.

58 On information and belief, Kalberer was unlawfully assaulted and seized because of, and/or in retaliation for his free market political views, his support of U.S. Securities Law enforcement, and his support of constitutional rights and his criticism of police misconduct and that the allegation that he was mentally ill was a pretext designed to suppress and chill his constitutionally-protected speech and to defame and discredit him and his beliefs. A seizure motivated by a intent to retaliate against and suppress conduct protected by the Constitution represents willful and wanton misconduct, malice and/or bad faith so as to entitle him punitive damages. The retaliatory actions against Kalberer served not only to silence Kalberer, but chill the speech of other citizens that believe in free markets, constitutional rights and the Hippocratic oath and who express concern and criticism about police misconduct.

59 Kalberer will, as allowed by the First Amendment, continue to engage in speech and expression critical of government polices with which he disagrees, and as a result faces continuing threat of the same kind of retaliation from others and agents of the federal and state and county and city government that has resulted in his involuntary, unjustified and illegal seizure and detention in June 2011.

#### FIRST CAUSE OF ACTION

##### Unlawful Seizure under Four Amendment – Color of State Law

60 The allegations of the foregoing paragraphs are re-alleged as if set out in full.

61 The actions of HCMC and other Defendants, as alleged herein, deprived Kalberer of his constitutional rights to be free from unreasonable seizure and not to be deprived of his liberty without due process of law, guaranteed by Fourth, Fifth and Fourteenth Amendments.

62 The actions of HCMC and Defendant Palmer – as well the actions of one or more John Doe Defendants who acted in concert with them – were committed under color of state law as to give rise to liability under 42 U.S.C. Section 1983.

63 As the proximate result actions, Kalberer has sustained the damages previously set forth.

64 Pursuant to 42 U.S.C. Section 1988 Kalberer is entitled to attorneys' fees and costs, including expert fees, incurred in bringing the claims alleged in this count.

#### SECOND CAUSE OF ACTION

##### Unlawful Seizure under the Fourth Amendment - "Bivens" Claim

65 The allegations of the foregoing paragraphs are re-alleged as if set out in full.

66 The actions of HCMC and other Defendants, as alleged herein, deprived Kalberer of his constitutional rights to be free from unreasonable seizure and not to be deprived of his liberty without due process of law, as guaranteed by the Fourth and/or Fifth Amendments.

67 If any of the John Doe Defendants did not act under color of state law, then to the extent such Defendant is an agent of the federal government, he/she is liable to Kalberer under the Fourth and/or Fifth Amendments in that he/she abused authority to deprive Kalberer of his constitutional rights to be free from unreasonable seizure and not to be deprived of his liberty without due process of law.

68 As the proximate result of said actions, Kalberer sustained the damages previously set forth.

### THIRD CAUSE OF ACTION

#### Deprivation of Right to Freedom of Speech under the First Amendment

69 The allegations of the foregoing paragraphs are re-alleged as if set out in full.

70 The actions of Defendants as alleged herein were an effort to discredit, silence and punish Kalberer for the content and viewpoint of his political speech using the pretext and false allegation that Kalberer was suffering from a mental illness and was subject to involuntary commitment under State of Minnesota Law.

72 Defendants' act of surveillance, intimidation, retaliation and censorship were undertaken with the intent and purpose to silence the political speech of Kalberer and to chill the speech of others that is critical of the government.

73 The actions of HCMC and Defendants in this respect were committed under color of state law and/or the law of the United States of America and deprived Kalberer of his right to freedom of speech and expression guaranteed by the First Amendment to the United States Constitution.

74 As the proximate result of said actions, Kalberer has sustained the damages previously set forth.

### FOURTH CAUSE OF ACTION

#### False Imprisonment, State Law

75 The allegations of the foregoing paragraphs are re-alleged as if set out in full.

76 By there use of force and threats of force as described herein, one or more HCMC and other Defendants – including, but not limited to Palmer – instigated, requested, directed and/or carried out the assault, arrest and detention of Kalberer, thereby imposing restraints upon Kalberer's liberty, without legal justification.

77 Such HCMC and other Defendants did so – either deliberately or negligently – without probable cause to believe that Kalberer had committed any crime or posed a danger to himself or others and without any other sufficient legal excuse.

78 The aforesaid acts of HCMC and other Defendants were beyond the scope of their employment, exceed their authority or discretion and/or were committed wantonly or in a culpable or grossly negligent manner.

79 As the proximate result of said actions, Kalberer has sustained the damages previously set forth. HCMC and other Defendants therefore are liable to Kalberer for actual damages as well as punitive damages, based on false imprisonment as defined by applicable state law.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that judgment be entered against HCMC and other Defendants as follows:

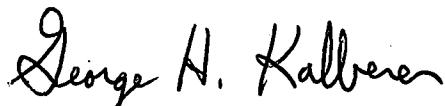
80 That this court award Plaintiff compensatory and/or punitive damages in such amounts as shall be shown by the evidence at trial;

81 That this Court enter an injunction prohibiting HCMC and other Defendants and any officers and/or agents acting on behalf of or in conjunction with Defendants and from unreasonably seizing Plaintiff and/or retaliating against Plaintiff because of Plaintiff's exercise of rights and privileges protected by the Constitution and the laws of the United States.

82 That this Court order HCMC and other Defendants to pay Plaintiff's attorney fees and costs, including expert fees, pursuant to 42 U.S.C. Section 1988; and

83 That this court any and all such other and further relief as it may deem proper.

Respectfully submitted,



George H. Kalberer, Plaintiff  
701 Koester Court, #91  
Northfield, MN 55057

Dated : August 14, 2011  
email: [kalberercapital@gmail.com](mailto:kalberercapital@gmail.com)